THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10111 of 1998

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records in I.D.No.54 of 1993 dated 17.11.1997 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam and quash the same as arbitrary and illegal.

Petitioner is the management and first respondent is workman. It appears, the services of the petitioner were terminated on the allegation of misappropriation of funds without conducting any valid enquiry into the matter. The Labour Court held that such termination is bad in law and in the result, directed the management to reinstate the workman with continuity of service and attendant benefits. Aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioner strenuously contended that several notices were issued to the first respondent-workman, but there was no response, therefore there was no other option except to terminate the services of the workman. Since the first respondent-workman was only a casual employee, conducting of regular enquiry does not arise. The Labour Court, in fact, failed to take into consideration the admission made by the first respondent that he had accepted to pay the deficit amount of Rs.1500/- and this itself would show that the first respondent was guilty of the charge, therefore, the Labour Court ought not to have granted reinstatement with continuity of service and other attendant benefits.

The learned counsel for first respondent-workman supported the award passed by the Labour Court and contended that the findings of the Labour Court are based on sound reasoning and no ground is made out to interfere with such an award passed by the Labour Court.

I have given my earnest consideration to the respective submissions

made by the learned counsel on either side and perused the impugned award and other material made available on record.

It is an admitted fact that no enquiry, as required under law, was conducted by the management before terminating the services of the first respondent-workman. It is the contention of the learned counsel for petitioner that the Labour Court failed to notice the admission made by the first respondent under Ex.M.14 that he is ready to pay the deficit amount of Rs.1500/-. Under Ex.M.14, the workman stated that *"I have also accepted to pay the balance of deficit amount approximately Rs.1500/- even though the counter was managed in my absence by my helper for a period of three months".* This does not indicate that the workman either confessed or admitted the allegation made against him. He simply wanted to wriggle out of the problem and to make good of the deficit suffered by the organization accepted to pay the same.

Under those circumstances, I am of the opinion that no ground is made out to interfere with the award passed by the Labour Court. Admittedly, no enquiry has been conducted, therefore, I am of the view that the reasons furnished by the Labour Court are cogent and does not require any interference by this Court under Article 226 of the Constitution of India. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 18.4.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10111 of 1998

18.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.10111 of 1998

Date: 18th April, 2007

Between:

Visakhapatnam Cooperative Central Stores
(Super Bazaar), rep. by its Managing Director.

.. Petitioner

And

J.V. Ramana and another.

.. Respondents